IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 3155 of 2005

Between:

Chinni Subba Rao S/o.Ramanna
R/o.Attili Village and Mandal,

West Godavari District. ..... PETITIONER

AND

The Chief Executive Officer A.P.State Wakf Board,

Haj House Complex, Nampally, Hyderabad. .....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ of Mandamus, directing the respondent herein to furnish the report of the I.A.Wakf, West Godavari District Dt.23.7.2004 and copy of the Gazettee No.16 dt.19.4.1962 in pursuant to the notice dt.4.9.2004 issued by the respondent by declaring the inaction as illegal, arbitrary and contrary to the rights guaranteed under Art.300 (A) of the Constitution of India.

Counsel for the Petitioner: Mr.V.MALLIK

Counsel for Respondent : MR.S.M.SUBHANI (S.C. for AP WAKF BOARD)

The Court at the stage of admission, made the following :

ORDER:

The petitioner claims to have purchased an extent of 0.34 ½ cents of land in Survey No.977 of Attili Village and Mandal, West Godavari District from one Sri Muttayala Nageswara Rao through a registered sale deed. He came to know that the respondent issued a notice on 4.9.2004 to his vendor as well as (18) others proposing to take action for the alleged unauthorised encroachment on wakf lands. The basis for the notice, is the report of the Inspector Auditor, Wakf, West Godavari District dated 23.7.2004. The petitioner claims that with a view to know the exact basis for the notice, he approached the respondent for issuance of a copy of the report dated 23.7.2004. He complains that his request was not acceded.

Heard the learned counsel for petitioner and the learned counsel for respondent.

The limited relief claimed by the petitioner is a direction to the respondent to furnish a copy of the report dated 23.7.2004 said to have submitted by the Inspector Auditor, Wakf, West Godavari District. The occasion for the petitioner to obtain copy arose on account of the fact that his vendor was issued a notice by the respondent directing him to explain as to why the encroachment shall not be removed. Apart from the obligation in the administrative law for the respondent to furnish the copy, Section 105 of the Wakf Act mandates that whenever an application is made by an aggrieved party to furnish the documents in relation to any property which is claimed by the Wakf Board, the respondent is under obligation to furnish the same on payment of usual charges. Though the petitioner asserts that he made an application, it is not known whether it was made in the prescribed form or to the concerned authority.

Hence, the writ petition is disposed of directing that it shall be open to the petitioner to make a representation/application to the respondent to furnish the copy of the report dated 23.7.2004 filed by the Inspector Auditor, Wakf, West Godavari District and on receiving the same, the respondent shall furnish a copy of the same within two weeks from the date of receipt of the application on payment of requisite charges thereof. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 25.2.2005

Note: Issue C.C. in (3) days.

B/o

DA

To

1. The Chief Executive Officer A.P.State Wakf Board,

   Haj House Complex, Nampally, Hyderabad.

2. Two CD copies.